

111TH CONGRESS  
1ST SESSION

# H. R. 2545

To provide a civil penalty for certain misrepresentations made to Congress,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2009

Mr. ISSA (for himself, Mr. SMITH of Texas, Mr. KING of Iowa, Mr. CAMPBELL, and Mr. GOHMERT) introduced the following bill; which was referred to the Select Committee on Intelligence (Permanent Select)

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## A BILL

To provide a civil penalty for certain misrepresentations  
made to Congress, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Classified Information  
5 Accountability Act of 2009” or “CIA Act”.

6 **SEC. 2. CIVIL PENALTY FOR CERTAIN MISREPRESENTA-**  
7 **TION MADE TO CONGRESS.**

8 (a) IN GENERAL.—Whoever, being a member of the  
9 intelligence community, knowingly and willfully—

1           (1) falsifies, conceals, or covers up by any trick,  
2           scheme, or device a material fact;

3           (2) makes any materially false, fictitious, or  
4           fraudulent statement or representation; or

5           (3) makes or uses any false writing or docu-  
6           ment knowing the same to contain any materially  
7           false, fictitious, or fraudulent statement or entry;  
8           in any communication to a United States Senator or Rep-  
9           resentative that involves classified material shall be liable  
10          for a civil penalty of not more than \$10,000.

11          (b) EMPLOYEE NOT TO BE INDEMNIFIED.—No  
12          United States agency or department may directly or indi-  
13          rectly indemnify a person for that person's liability under  
14          this section.

15          (c) CONGRESSIONAL STANDING TO SUE.—A Senator  
16          or Representative who was a party to the communication  
17          with respect to which a violation of subsection (a) took  
18          place may in a civil action, recover the civil penalty pro-  
19          vided by this section on behalf of the United States, to  
20          be deposited in the United States Treasury for public use.

21          (d) IN CAMERA REVIEW OF CLASSIFIED INFORMA-  
22          TION.—In a civil action under this section, the court shall  
23          conduct any review of classified information in camera.

1 (e) STATUTE OF LIMITATIONS NOT APPLICABLE.—  
2 A civil action under this section may be brought at any  
3 time without limitation.

4 (f) DEFINITIONS.—In this section—

5 (1) the term “member of the intelligence com-  
6 munity” means a person employed by the intel-  
7 ligence community (as defined in section 3(4) of the  
8 National Security Act of 1947 (50 U.S.C. 404a(4));  
9 and

10 (2) the term “classified information” means  
11 any information or material that has been deter-  
12 mined by the United States Government pursuant to  
13 an Executive order, statute, or regulation, to require  
14 protection against unauthorized disclosure for rea-  
15 sons of national security.

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